

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MICHAEL HELVIG AND CAROL  
HELVIG,

Civil No. 08-6444 (JRT/FLN)

Plaintiffs,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

v.

MAZAK OPTONICS CORP.,

Defendant.

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William Mahler, **WILLIAM MAHLER LAW FIRM**, 300 Third Avenue SE,  
Suite 202, Rochester, MN 55904, for plaintiffs.

Michael Vellon, Robert Brownson, and Patrick Biren, **BROWNSON &  
BALLOU, PLLP**, 225 South Sixth Street, Suite 4800, Minneapolis, MN  
55402, for defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel, dated April 22, 2010. An objection was filed to said Report and Recommendation, but later withdrawn by Defendant Mazak Optonics Corporation [Docket No. 42].

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that Defendant's motion for partial summary judgment [Docket No. 15] is **DENIED**.

Dated: May 14, 2010  
at Minneapolis, Minnesota

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge